

State of Arizona  
House of Representatives  
Forty-fifth Legislature  
First Regular Session  
2001

CHAPTER 146

**HOUSE BILL 2061**

AN ACT

AMENDING SECTIONS 41-191.06 AND 41-191.08, ARIZONA REVISED STATUTES; AMENDING SECTION 41-2407, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2000, CHAPTER 59, SECTION 3; REPEALING SECTION 41-2407, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2000, CHAPTER 168, SECTION 1; AMENDING SECTION 44-313, ARIZONA REVISED STATUTES; RELATING TO VICTIM COMPENSATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-191.06, Arizona Revised Statutes, is amended to  
3 read:

4 41-191.06. Victims' rights program

5 A. A victims' rights program is established in the criminal division  
6 of the attorney general's office. The program shall establish and administer  
7 an annual plan for assisting and monitoring state and local entities that are  
8 required to implement and comply with victims' rights pursuant to title 8,  
9 chapter 3, article 7 and title 13, chapter 40. The plan shall provide for  
10 the disbursement of victims' rights fund monies, for TRAINING ON THE  
11 PROVISION OF VICTIMS' RIGHTS SERVICES, FOR audits of state and local entities  
12 that receive fund monies and for other forms of assistance that further  
13 uniformity, efficiency and compliance by state and local entities that are  
14 responsible for ensuring crime victims' access to justice.

15 B. The attorney general may employ administrative and other personnel  
16 that the attorney general deems necessary to administer the victims' rights  
17 program.

18 Sec. 2. Section 41-191.08, Arizona Revised Statutes, is amended to  
19 read:

20 41-191.08. Victims' rights fund; use; exemption from lapsing

21 A. A victims' rights fund is established consisting of monies  
22 deposited pursuant to sections 8-418 and 41-2401, subsection D, paragraph 13  
23 and legislative appropriations. Monies in the fund are subject to  
24 legislative appropriation. Monies from general fund appropriations shall be  
25 deposited in the victims' rights fund and are not subject to further  
26 appropriation. Monies from general fund appropriations are available for use  
27 on deposit in the victims' rights fund. The attorney general shall  
28 administer the fund. The attorney general shall use fund monies for the  
29 purpose of operating, improving, maintaining and enhancing the victims'  
30 rights program established pursuant to section 41-191.06.

31 B. Each fiscal year the attorney general may spend twelve per cent of  
32 the total victims' rights fund appropriation and general fund deposits for  
33 the purpose of performing duties mandated by title 13, chapter 40, including  
34 the costs of administering the victims' rights program under section  
35 41-191.06.

36 C. Except as provided in subsections D, and G AND H of this section,  
37 each fiscal year the attorney general shall disburse eighty-eight per cent  
38 of the total victims' rights fund appropriation and general fund deposits to  
39 state and local entities that have previously qualified under this subsection  
40 or have demonstrated a history of need and performance according to criteria  
41 established by the attorney general. Each entity that qualifies to receive  
42 monies pursuant to this subsection shall receive monies in a percentage that  
43 is proportional to that entity's percentage of the total fund monies

1   disbursed to all qualifying entities in the prior fiscal year. The attorney  
2   general is not a qualifying entity under this subsection.

3       D. Except as provided in subsection SUBSECTIONS G AND H of this  
4   section, each fiscal year the attorney general may disburse victims' rights  
5   fund monies to entities that do not qualify under subsection C of this  
6   section, that are financially impacted by title 8, chapter 3, article 7 or  
7   title 13, chapter 40 and that submit an implementation plan and funding  
8   request to the attorney general pursuant to guidelines adopted by the  
9   attorney general. The attorney general shall establish procedures to assess  
10  the financial impact on and the need of these entities. The attorney general  
11  shall disburse monies based on the information that is derived from the  
12  assessment. On an annual basis, as new or additional entities receive monies  
13  pursuant to this subsection, the attorney general shall proportionally adjust  
14  the percentage share disbursed to each entity pursuant to subsection C of  
15  this section.

16       E. Monies in the victims' rights fund shall be used to supplement, not  
17  supplant, monies that would otherwise be made available to state and local  
18  entities for funding victims' rights services and assistance.

19       F. Each entity that receives funding pursuant to this section shall  
20  submit an annual report to the attorney general that identifies all sources  
21  and amounts of monies that are spent for the purposes of implementing and  
22  complying with victims' rights. The report shall detail:

23       1. The expenditure of the monies that are awarded under the victims'  
24  rights program pursuant to section 41-191.06.

25       2. The number of instances in which the entity performed mandated  
26  victims' rights duties or services.

27       3. The level of victim satisfaction with the services.

28       G. Each fiscal year the attorney general shall review and evaluate the  
29  entities that receive funding pursuant to this section. The attorney general  
30  may adjust funding levels, redistribute monies or deny continued funding to  
31  an entity that fails to effectively implement or comply with victims' rights  
32  mandates.

33       H. SUPPLEMENTAL FUND MONIES APPROPRIATED TO THE ATTORNEY GENERAL TO  
34  EXPAND VICTIMS' RIGHTS TRAINING AND TO EXPAND THE REPORTING OF VICTIMS'  
35  FEEDBACK ON SERVICES PROVIDED SHALL BE EXPENDED ACCORDING TO A PLAN AND  
36  PROCEDURES ADOPTED BY THE ATTORNEY GENERAL. THE ATTORNEY GENERAL SHALL SPEND  
37  THE MONIES APPROPRIATED FOR COSTS TO DEVELOP, PROVIDE, SPONSOR OR SUPPORT  
38  PROGRAMS THAT EXPAND THE DELIVERY AND IMPROVE THE QUALITY OF MANDATED  
39  SERVICES TO VICTIMS OF CRIME BY LAW ENFORCEMENT, PROSECUTORIAL AND  
40  CORRECTIONAL AGENCIES AND COURTS.

41       ~~H.~~ I. The attorney general shall submit an annual report to the  
42  governor, the president of the senate and the speaker of the house of  
43  representatives that details the status of the victims' rights program under  
44  section 41-191.06, the attorney general's compliance with the program,

1 including the level of service, and the expenditure of all monies that are  
2 appropriated for the purpose of victims' rights.

3 ~~I.~~ J. Monies in the victims' rights fund are exempt from the lapsing  
4 provisions of section 35-190.

5 Sec. 3. Section 41-2407, Arizona Revised Statutes, as amended by Laws  
6 2000, chapter 59, section 3, is amended to read:

7 41-2407. Victim compensation and assistance fund; subrogation

8 A. The victim compensation and assistance fund is established. The  
9 Arizona criminal justice commission shall administer the fund. The victim  
10 compensation and assistance fund shall consist of victim compensation monies  
11 collected pursuant to section 12-116.01 and distributed pursuant to section  
12 41-2401, subsection D, paragraph 14, victim assistance monies collected  
13 pursuant to section 31-411, subsection E, section 31-418 and section 31-466,  
14 subsection A, UNCLAIMED VICTIM RESTITUTION MONIES PURSUANT TO SECTION 44-313  
15 and monies available from any other source.

16 B. Subject to legislative appropriation, the Arizona criminal justice  
17 commission shall allocate monies in the victim compensation and assistance  
18 fund to public and private agencies for the purpose of establishing,  
19 maintaining and supporting programs that compensate and assist victims of  
20 crime. Not more than fifty per cent of the monies distributed statewide for  
21 victim assistance shall be allocated to the governmental agencies or public  
22 officers specified in section 41-2404, subsection A and to the governmental  
23 agencies or public officers specified in section 41-2404, subsection B.

24 C. The allocation of monies pursuant to this section shall be made in  
25 accordance with rules adopted by the Arizona criminal justice commission  
26 pursuant to section 41-2405, subsection A, paragraph 8.

27 D. If a victim of crime receives monies from the fund as a result of  
28 a criminal offense committed against the victim by a third party, the fund  
29 is subrogated to the rights of the victim against the third party to the  
30 extent of the monies the victim receives from the fund.

31 Sec. 4. Repeal

32 Section 41-2407, Arizona Revised Statutes, as amended by Laws 2000,  
33 chapter 168, section 1, is repealed.

34 Sec. 5. Section 44-313, Arizona Revised Statutes, is amended to read:

35 44-313. Deposit of monies; definition

36 A. Except as otherwise provided in this section or section 44-314, the  
37 department shall transmit DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147,  
38 all monies received pursuant to this chapter, including the proceeds from the  
39 sale of abandoned property pursuant to section 44-312, ~~to the state treasurer~~  
40 ~~for deposit in the state general fund,~~ and the state treasurer shall  
41 transfer:

42 1. Thirty-five per cent of the monies to the housing trust fund  
43 established by section 41-1512.

1        2. Twenty per cent of the monies to the housing trust fund established  
2 by section 41-1512. These monies shall be used exclusively for the  
3 development of eligible and viable affordable housing in rural areas and for  
4 the purposes authorized under the housing development fund established by  
5 section 41-1518.

6        3. Twenty per cent of the monies to the funds in the amounts provided  
7 in section 5-113, subsection A.

8        B. The department shall deposit monies from unclaimed shares and  
9 dividends of any corporation incorporated under the laws of this state in the  
10 permanent state school fund pursuant to article XI, section 8, Constitution  
11 of Arizona.

12        C. THE DEPARTMENT SHALL DEPOSIT MONIES FROM UNCLAIMED VICTIM  
13 RESTITUTION PAYMENTS IN THE VICTIM COMPENSATION AND ASSISTANCE FUND  
14 ESTABLISHED BY SECTION 41-2407 FOR THE PURPOSE OF ESTABLISHING, MAINTAINING  
15 AND SUPPORTING PROGRAMS THAT COMPENSATE AND ASSIST VICTIMS OF CRIME.

16        ~~C.~~ D. The department shall retain in a separate trust fund at least  
17 one hundred thousand dollars from which the department shall pay claims.

18        ~~D.~~ E. Before making the deposit, the department shall record the name  
19 and last known address of each person who appears from the holders' reports  
20 to be entitled to the property and the name and last known address of each  
21 insured person or annuitant and beneficiary. The department shall also  
22 record the policy or contract number of each policy or contract of an  
23 insurance company that is listed in the report, the name of the company and  
24 the amount due. The department shall make the record available for public  
25 inspection during reasonable business hours.

26        ~~E.~~ F. Before making any deposit to the credit of the state general  
27 fund, the department may deduct, subject to legislative appropriation,  
28 administrative expenses in the following order of priority:

- 29        1. Any costs in connection with the sale of abandoned property.  
30        2. Costs of mailing and publication in connection with any abandoned  
31 property.  
32        3. Reasonable department service charges.  
33        4. Costs incurred in examining records of holders of property and in  
34 collecting the property from those holders.  
35        5. Lawful holder charges.

36        ~~F.~~ G. The department shall deposit monies received pursuant to  
37 section 35-187 in the homeless trust fund as provided in section 41-2021 in  
38 an amount of not more than one million dollars. The department shall deposit  
39 monies in excess of one million dollars pursuant to the distribution  
40 described in subsections A and B of this section. Before making any deposit  
41 in the homeless trust fund, the department shall deduct any amounts related  
42 to owner claims and interest payments.

1        ~~6.~~ H. For the purposes of this section, "rural area" means either:  
2        1. A county with a population of less than four hundred thousand  
3 persons.  
4        2. A census county division with less than fifty thousand persons in  
5 a county with a population of four hundred thousand or more persons.  
6        Sec. 6. Retroactive application  
7        This act applies retroactively to January 1, 2001.

APPROVED BY THE GOVERNOR APRIL 18, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 19, 2001.

Passed the House January 24, 20 01,

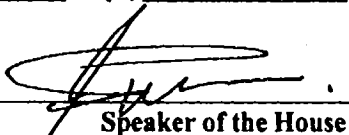
Passed the Senate April 4, 20 01,

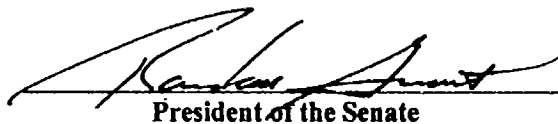
by the following vote: 59 Ayes,

by the following vote: 30 Ayes,

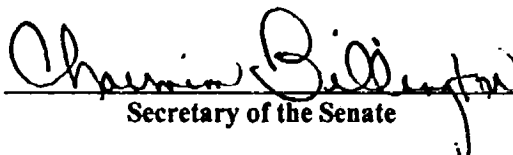
0 Nays, 1 Not Voting

0 Nays, 0 Not Voting

  
Speaker of the House

  
President of the Senate

  
Chief Clerk of the House

  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

H.B. 2061

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

April 12, 2001,

by the following vote: 46 Ayes,

0 Nays, 14 Not Voting

John Elia  
Speaker of the House  
*Pro Tempore*  
Norman L. Moore  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

12 day of April, 2001,

at 1:41 o'clock P M.

Sandra Chaney  
Secretary to the Governor

Approved this 18 day of

April, 2001,

at 10:58 o'clock 9 M.

Janet N. Gull  
Governor of Arizona

H.B. 2061

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 19 day of April, 2001,

at 3:13 o'clock P M.  
Patricia Bayless  
Secretary of State